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PART III.

Legislative Measures and Rules thereunder.

REGULATION No. II OF 1908.

(RECEIVED THE ASSENT OF HIS HIGHNESS THE MAHARAJA ON THE 11TH JULY 1908.)

A Regulation to amend the Mysore Stamp Regulation, II of 1900.

Whereas it is expedient to amend the Mysore Stamp Regulation, 1900; His Highness the Maharaja is pleased to enact as follows :—

1. In Section 2 of the Mysore Stamp Regulation, II of 1900; (hereinafter referred to as the "said Regulation")—

Amendment of Sec. 2, Regulation II, 1900.

(*a*) after the definition of "lease" in clause (16), the following definition shall be inserted, namely :—

"(16A). "Marketable security" means a security of such a description as to be capable of being sold in any stock market in British India or in the United Kingdom or in Mysore."

Marketable security.

(*b*) in clause (19), sub-clause (*c*) and the word 'and' prefixed thereto are hereby repealed; and

(*c*) to the definition of "settlement" in clause (24), the following words shall be added, namely :—

"and, where any such disposition has not been made in writing, an instrument recording, whether by way of declaration of trust or otherwise, the terms of any such disposition."

2. In section 11, clause (*a*), section 32, proviso, clause (*c*), section 35, proviso clause (*a*), section 40, section 41, section 69 and section 74 of the said Regulation, after the words "one anna" wherever they occur, the words "or half-an-anna" shall be inserted.

Amendment of Secs. 11, 32, 35, 40, 41, 69 and 74, Regulation II, 1900.

3. After section 23 of the said Regulation, the following section shall be added, namely :—

Addition of new Sec. 23A after Sec. 23, Regulation II, 1900.

"23A (1). Where an instrument (not being a promissory note or bill of exchange),

"Certain instruments connected with mortgages of marketable securities to be chargeable as agreements."

(*a*) is given upon the occasion of the deposit of any marketable security by way of security for money advanced or to be advanced by way of loan, or for an existing or future debt ; or

(*b*) makes redeemable or qualifies a duly stamped transfer, intended as a security, of any marketable security,

it shall be chargeable with duty as if it were an agreement or memorandum of an agreement chargeable with duty under Article No. 5 (*b*) of Schedule I.

(2) A release or discharge of any such instrument shall be chargeable with the like duty."

4. In section 26 of the said Regulation, for the first proviso, the following proviso shall be substituted, namely :—

Amendment of Sec. 26, Regulation II, 1900.

"Provided that, in the case of the lease of a mine in which royalty or a share of the produce is received as the rent or part of the rent, it shall be sufficient to have estimated such royalty or the value of such share, for the purpose of stamp duty—

(*a*) when the lease has been granted by or on behalf of the Government, at such amount or value as the Deputy Commissioner may, having regard to all the circumstances of the case, have estimated as likely to be payable by way of royalty or share to the Government under the lease, or

(*b*) when the lease has been granted by any other person, at twenty thousand rupees a year ;

and the whole amount of such royalty or share, whatever it may be, shall be claimable under such lease."

5. (*a*) In section 29, clause (*a*), of the said Regulation, for the words and figure "No. 6 (Agreement to Mortgage)" the words and figure "No. 6 (Agreement relating to Deposit of Title-deeds, Pawn or Pledge)" shall be substituted.

Amendment of Sec. 29, clause (*a*), Regulation II, 1900.

(*b*) For section 29, clause (*b*), the following shall be substituted, namely :—

Substitution of new clause for clause (*b*) of Sec. 29, Regulation II, 1900.

"(*b*) in the case of a policy of insurance other than fire-insurance—by the person effecting the insurance ;

(*bb*) in the case of a policy of fire-insurance—by the person issuing the policy."

6. To section 30 of the said Regulation, the following paragraph shall be added, namely :—

Addition to section 30, Regulation II, 1900.

"Any person receiving or taking credit for any premium or consideration for any renewal of any contract of fire-insurance shall, within one month after receiving or taking credit for such premium or consideration, give a duly stamped receipt for same."

7. In section 40, sub-section (1), clause (*b*), of the said Regulation, before the words "ten times the amount," the words "an amount not exceeding" shall be inserted.

Amendment of section 40 (1) (*b*), Regulation II, 1900.

8. In section 51 of the said Regulation, after the word "instruments," the words "by any banker or," and after the word "said," the word "banker" shall be inserted.

Amendment of section 51, Regulation II, 1900.

9. In Section 56, sub-section (1), of the said Regulation, after the word and figure "Chapter V," the following shall be inserted, namely :—

Amendment of section 56 (1), Regulation II, 1900.

"and under clause (*a*) of the first proviso to section 26."

10. In Schedule I of the said Regulation, the following amendments shall be made, namely :—

Amendments of Schedule I, Regulation II, 1900.

(1) For Article No. 6 the following article shall be substituted, namely :—

"6. AGREEMENT RELATING TO DEPOSIT OF TITLE-DEEDS, PAWN OR PLEDGE, that is to say, any instrument evidencing an agreement relating to—	
(1) the deposit of title-deeds or instruments constituting or being evidence of the title to any property whatever (other than a marketable security) ; or	
(2) the pawn or pledge of movable property,	
where such deposit, pawn or pledge has been made by way of security for the repayment of money advanced or to be advanced by way of loan or an existing or a future debt—	
(*a*) if such loan or debt is repayable on demand or more than three months from the date of the instrument evidencing the agreement ;	The same duty as a Bill of Exchange [No. 12 (*b*)] for the amount secured.
(*b*) if such loan or debt is repayable not more than three months from the date of such instrument.	Half the duty payable on a Bill of Exchange [No. 12 (*b*)] for the amount secured.

Exemption.

Instrument of pawn or pledge of goods, if unattested."

(2) In the entry immediately following Article No. 27, for the words and figure "*See* AGREEMENT by way of EQUITABLE MORTGAGE (No. 6)" the words and figure "*See* AGREEMENT relating to DEPOSIT OF TITLE-DEEDS, PAWN OR PLEDGE (No. 6)" shall be substituted.

(3) The entry "EQUITABLE MORTGAGE" following Article No. 28 shall be omitted.

(4) In Article No. 38—

(*a*) for the words and figure "AN AGREEMENT TO MORTGAGE (No. 6)" the words and figure "AN AGREEMENT RELATING TO DEPOSIT OF TITLE-DEEDS, PAWN OR PLEDGE (No. 6)" shall be substituted ;

(*b*) from clause (*b*), the words "at the time of execution" shall be omitted; and

(*c*) the exemption "(3) Instrument of Pledge or Pawn of goods, if unattested" shall be omitted.

(5) In Article No. 39—

(*a*) in clause (*b*) for the words "one year," the words "eighteen months" shall be substituted.

(*b*) for the entry "four annas" each time it occurs in the second column opposite clause (*b*), the entry "Two annas" shall be substituted.

(6) After Article No. 44, the following entry shall be inserted, namely :—

"PAWN OR PLEDGE—*See* AGREEMENT relating to DEPOSIT OF TITLE-DEEDS, PAWN OR PLEDGE (No. 6)."

(7) For Divisions A and B of Article No. 45, the following shall be substituted, namely :—

	If drawn singly.	If drawn in duplicate for each part.
"A. SEA-INSURANCE (*See* Section 7).		
(1) for or upon any voyage—		
(i) where the premium or consideration does not exceed the rate of two annas or one-eighth per centum of the amount insured by the policy ;	One anna ...	Half anna.
(ii) in any other case, in respect of every full sum of one thousand rupees and also any fractional part of one thousand rupees insured by the policy.	Two annas ...	One anna.
(2) for time—		
(iii) in respect of every full sum of one thousand rupees and also any fractional part of one thousand rupees insured by the policy—		
where the insurance shall be made for any time not exceeding six months ;	Two annas ...	One anna.
where the insurance shall be made for any time exceeding six months and not exceeding twelve months.	Four annas ...	Two annas.
B. FIRE INSURANCE—		
(1) in respect of an original policy—		
(i) where the sum insured does not exceed Rs. 5,000 ;	.....	Eight annas.
and (ii) in any other case ;	.....	One rupee.
(2) in respect of each receipt for any payment of a premium on any renewal of an original policy.	.....	One-half of the duty payable in respect of the original policy in addition to the amount, if any, chargeable under No. 51."

(8) To Article No. 51 the following note shall be added, namely :—

"See also Policy of Insurance No. 45-B(2)."

(9) In Article No. 53, after the word "instrument," the following parenthesis shall be inserted, namely :—

"(not being such a release as is provided for by section 23A)."

V. P. MADHAVA RAO,
Dewan.

NOTIFICATION.

No. 25—L. C., dated 22nd July 1908.

Under Rule 40 of the rules for the conduct of business of the Mysore Legislative Council, the following report of the Select Committee appointed for the consideration of the Bill further to amend the Code of Civil Procedure is published for general information with the Bill as passed by them.

By Order,
C. S. BALASUNDARAM IYER,
Secy., Legislative Council.

Report of the Select Committee appointed for the consideration of the Civil Procedure Code Amendment Bill.

We the members of the Select Committee appointed for the consideration of the Bill further to amend the Code of Civil Procedure beg to submit the following report to the Council :—

On a careful consideration of the Bill and the several representations recieved thereon we have resolved that the Bill be approved with the modifications made in it

at the Council Meeting held on Monday the 24th February 1908, and returned to the Council.

We are however of opinion that if sub-clauses (*a*) and (*b*) of clause (1) of Section 310A be removed and the words "before such sale" be added after the word "acquired" in the body of the said clause, the benefit of the section would be extended and we would accordingly suggest that the proposed amendment may be incorporated in the present Bill.

A. RANGASWAMI IYENGAR.
S. NARAYANA RAO.
M. C. RANGIENGAR.

The words proposed to be added are understood, and there seems no objection to the addition being made, though I doubt whether there have been any instances of hardship caused by a too liberal interpretation of the section as its present wording stands.

To the further recommendation made by the Select Committee whose last meeting I was unavoidably prevented from attending, I regret my inability to agree. Where the applicant is a person whose title has been acquired subsequent to attachment or mortgage decree, I see no reason why he should not be required to pay the whole of the decretal amount before he could succeed.

C. SRINIVASIENGAR.

A Bill further to amend the Code of Civil Procedure.

(AS APPROVED BY THE SELECT COMMITTEE.)

Preamble. Whereas it is expedient further to amend the Code of Civil Procedure as in force in Mysore, His Highness the Maharaja is pleased to enact as follows:—

Amendment of Section 310(A). 1. The following shall be substituted for sub-head (ii) of sub-section (1) of Section 310 (A):—

"for payment to the decree holder, a sum equal to the purchase money, together with the costs of the attachment and sale, provided that in cases in which such sum is more than the amount specified in the proclamation of sale as that for the recovery of which the sale was ordered (less any amount which may since the date of such proclamation of sale have been received by the decree holder), it shall not be necessary for the applicant to pay more than this latter amount."

2. The following shall be added between sub-sections (1) and (2) of the said section:—

"(1A). If such deposit is made within thirty days of the sale, the Court shall pass an order setting aside the sale."

Addition to Section 588. 3. To Section 588 of the said Code, the following clause shall be added, namely:—

"(16A). Orders under Section 310A."

NOTIFICATIONS.

No. J. 254—*Legis.* 35-07-08, *dated* 22*nd July* 1908.

In exercise of the powers conferred by the Mysore Game and Fish Preservation Regulation, II of 1901, the Government of His Highness the Maharaja are pleased to extend the period of protection afforded to antelope, peafowl, and birds of bright coloured plumage by Notification No. J. 1977—Leg. 23-06-2, dated the 10th January 1907, for a further period of three years, *i.e.*, till the 15th June 1911, subject to the exceptions mentioned in para 2 of the said notification.

No. 698—*L. B.* 195-06-12, *dated* 22*nd July* 1908.

The Government of His Highness the Maharaja of Mysore are pleased to direct that para 132 of the Rules framed under the Mysore Local Boards Regulation and published with Notification No. 30—Legis. 4-03, dated the 9th September 1903, be amended as follows :—

After the words "the said provision" occurring in clause (*f*) of the said para of the rules, the following shall be inserted :—

"As well as the surplus receipts available under Section 18 of the Cattle Trespass Act, from cattle-pounds situated in a Union."

The amended clause (*f*) of said para 132 of the Rules will then read as follows :—

(*f*) The net proceeds of the tax on houses and license fees for erection of structures levied in a Union under clauses 2 and 6, respectively, of the said provision as well as the surplus receipts available under Section 18 of the Cattle Trespass Act, from the cattle-pounds in a Union, shall be wholly appropriated to the purposes of the Union.

By Order,
K. S. CHANDRASEKHARA AIYAR,
Secy. to Govt., Gen. & Rev. Depts.